

REMARKS

This Supplemental Response is being submitted in further response to the Office Action dated March 21, 2006, and is supplemental to the previously filed response submitted July 21, 2006. In this Supplemental Response, claims 1, 45 and 51-57 have been amended, and new claims 61-65 have been added. As such, claims 1, 10, 16, 17, 20-24, 31, 32, and 45-65 are presently pending in this instant patent application. Applicants respectfully request further consideration of these claims in view of the following remarks.

Amendments to the Claims

Claims 1 and 45 have been amended to define inventions which Applicants consider to be of commercial significance. Support for these amendments can be found throughout the specification, including for example in paragraph [0014] (retaining potassium ion during residence and passage of the core-shell particles through the gastro-intestinal tract) and in paragraph [0021] (removing potassium ion from the gastrointestinal tract by the core-shell particles to obtain a therapeutic and/or prophylactic benefit). Claims 51 through 53 have been amended to claim certain preferred embodiments; support for these amendments can be found throughout the specification, including for example in paragraph [0037]. Claims 54 through 57 have been amended for consistency with the amendments to claims 1 and 45. No new matter has been added.

New claims 61 through 65 have been added to claim certain inventions which Applicants consider to be of commercial significance. Support for the new claims can be found throughout the specification, including for example, as follows: for claims 61 and 63 (hydrophobic shell component), see as-filed claim 19; for claim 62 (core component comprising polymer having acidic functional groups and shell component comprising crosslinked synthetic polymer), see previously presented claims 47 and 50; and for claims 64 and 65 (shell component comprising crosslinked polymers, the polymers being produced by polymerization of a vinylic monomer, or by polymerization of an acrylic or methacrylic monomer), see paragraphs [0037] and [0039]. No new matter has been added.

Examiner Interview

Applicants thank the Examiner for the courtesy of an interview on August 22, 2006, during which Applicants attorney, Mr. Paul A. Stone (Reg. No. 38,628) and the Examiner discussed: some of Applicants' technology relevant to the inventions defined by the presently pending claims; art of record; proposed claim amendments to independent claims 1 and 45; outstanding election / restriction issues; and outstanding written description issues. Applicant showed support for favorable reconsideration of the outstanding election / restriction issues and the outstanding written description issues. Agreement was reached with respect to proposed claim amendments, and Applicant agreed to file a supplemental response. The Examiner agreed to enter such amendments,

Revised Response to Restriction

Applicants are withdrawing the election made previously in connection with the previous response submitted July 21, 2006.

In response to the restriction requirement *first set forth* in the instant Office action, Applicants now hereby elect, with traverse, independent composition claim 1 and dependent claims 10, 16, 17, 20-24, 31, 32, and 46-65 as depending therefrom.

Applicants respectfully traverse the restriction requirement. Under MPEP §803, if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. In the instant application, although the inventions defined by independent claim 1 (pharmaceutical compositions) and claims depending therefrom are patentably distinct from the inventions defined by independent claim 45 (methods) and claims dependent therefrom, the examination of all of the presently pending claims could be made without serious burden on the Examiner.

CONCLUSION

In view of the foregoing amendments and remarks, considered together with the remarks submitted in the previously filed response dated July 21, 2006, Applicants respectfully submit that the present application is in form for allowance, and such action is respectfully requested.

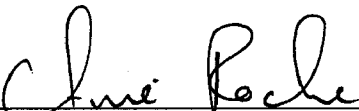
U.S. Appl. Serial No. 10/813,872
Amendment Dated September 1, 2006
Supplemental Response to previously filed response dated July 21, 2006

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 29329-715.202).

Respectfully submitted,

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Date: September 1, 2006



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